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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-441**

13 **JAMES JEFFERSON GOSS, A.K.A.**
14 **JAMES J. GOSS**
1933 E. Vassar Avenue
Visalia, CA 93292

ACCUSATION

15 Registered Nurse License No. 505653
Public Health Nurse Certificate No. PHN 53461

16
17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about October 21, 1994, the Board issued Registered Nurse License Number
25 505653 to James Jefferson Goss, also known as James J. Goss ("Respondent"). The registered
26 nurse license was in full force and effect at all times relevant to the charges brought herein and
27 will expire on August 31, 2010, unless renewed.

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1 **Public Health Health Nurse Certificate**

2 3. On or about March 15, 1995, the Board issued Public Health Nurse Certificate No.
3 PHN 53461 to Respondent. The public health nurse certificate was in full force and effect at all
4 times relevant to the charges brought herein and will expire on August 31, 2010, unless renewed.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
7 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
9 the Nursing Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
13 (b), the Board may renew an expired license at any time within eight years after the expiration.

14 6. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
15 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
16 period within which the license may be renewed, restored, reissued or reinstated.

17 7. Code section 2761 states, in pertinent part:

18 The board may take disciplinary action against a certified or licensed
19 nurse or deny an application for a certificate or license for any of the following:

20 (a) Unprofessional conduct

21 (f) Conviction of a felony or of any offense substantially related to the
22 qualifications, functions, and duties of a registered nurse, in which event the record of
23 the conviction shall be conclusive evidence thereof.

24 8.. Code section 2762 states, in pertinent part:

25 In addition to other acts constituting unprofessional conduct within the
26 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
27 person licensed under this chapter to do any of the following:

28 (b) Use any controlled substance as defined in Division 10 (commencing
 with Section 11000) of the Health and Safety Code, or any dangerous drug or
 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
 in a manner dangerous or injurious to himself or herself, any other person, or the
 public or to the extent that such use impairs his or her ability to conduct with safety to
 the public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self administration of any of the substances described in subdivisions
3 (a) and (b) of this section, or the possession of, or falsification of a record pertaining
4 to, the substances described in subdivision (a) of this section, in which event the
5 record of the conviction is conclusive evidence thereof.

6 COST RECOVERY

7 9. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Criminal Conviction)

13 10. Respondent is subject to discipline pursuant to Code sections 2761, subdivision (f), in
14 that on June 30, 2006, in the Superior Court, County of Tulare, California, in the case entitled
15 *People vs. James Jefferson Goss* (2005), Case No. TCM154617, Respondent was found guilty by
16 a jury and subsequently convicted of a violation of Vehicle Code section 23152, subdivision (a)
17 (drive a vehicle while under the influence of alcohol or drugs), a misdemeanor, with a special
18 allegation for refusing a chemical test pursuant to Vehicle Code section 23577. The
19 circumstances of the crime are that on or about October 23, 2005, Respondent was observed by a
20 California Highway Patrol officer to be driving his vehicle erratically, weaving in and out of the
21 #1 lane. The officer subsequently stopped Respondent and when asked by the officer to perform
22 a series of field sobriety tests, Respondent refused. Further, Respondent refused to submit to a
23 chemical test. Respondent was arrested and subsequently convicted. Such conduct is
24 substantially related to the qualifications, functions or duties of a licensed registered nurse.

25 SECOND CAUSE FOR DISCIPLINE

26 (Conviction of a Crime Involving Alcoholic Beverages)

27 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
28 the grounds of unprofessional conduct as defined in Code section 2762, subdivision (c), in that on
or about June 30, 2006, Respondent was convicted of a crime involving the consumption of
alcoholic beverages, as more particularly set forth in paragraph 9, above.

